

## EVALUATION OF ENVIRONMENTAL EFFECTS CRITERIA

In accordance with the National Environmental Policy Act, evaluation of environmental effects requires consideration of the **intensity, duration, and cumulative effects** as well as a description of measures to mitigate for adverse effects. A determination as to potential impairment of resources is also required under National Park Service *Management Policies* (2001).

*Management Policies* states that:

While Congress has given the Service the management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement (enforceable by the federal courts) that the park service must leave park resources and values unimpaired unless directly and specifically provided for by legislation or by the proclamation establishing the park.

The “park resources and values” that are subject to the no-impairment standard include:

The park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures and objects; museum collections; and native plants and animals;

Opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing any of them;

The park’s role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and

Any additional attributes encompassed by the specific values and purposes for which it was established.

The effects on natural and cultural resources were determined using the following definitions:

### Intensity

**Negligible:** The effect is localized and not detectable or at the lowest levels of detection.

**Minor:** The effect is localized and slightly detectable and would not effect overall structure of any natural community or is confined to a small area of a cultural resource.

**Moderate:** The effect is clearly detectable and could have an appreciable effect on individual species, communities, and/or natural processes, or is sufficient enough to cause a change in the character-defining features of a cultural resource.

**Major:** The effect is highly noticeable, and would have a substantial influence on natural resources, including effects on individuals or groups of species, communities, and/or natural processes; or results in a substantial and highly noticeable change in character-defining features of a cultural resource.

The intensity of effects on visitor experience and aesthetic resources was determined using the following definitions:

**Negligible:** The effect would not be detectable by visitors and would have no discernible effect on their experience.

**Minor:** The effect is slightly detectable by visitors but would not effect overall visitor use and/or visitor experience.

**Moderate:** The effect is clearly detectable by visitors and could have an appreciable effect on the visitor experience.

**Major:** The effect would have a substantial, highly noticeable influence on the visitor experience and could permanently alter access, use and availability of various aspects of a visitor experience.

### Duration

Duration refers to the time period over which the effects of an impact persist. For impact topics evaluated in this document, the duration of impacts across all categories were determined using the following definitions:

**Short-term:** The impact lasts less than three months.

**Long-term:** The impact lasts three months or longer.

### Cumulative Effects

Cumulative effects are effects on the environment that result from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what entity (Federal or non-Federal) undertakes such actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Cumulative effects analyzed in this document consider the incremental effects of the proposed action, as well as the no-action alternative, in conjunction with past, current, and future actions at Voyageurs National Park.

### Historic Properties

The following is taken from the “Section 106 Regulations Summary” prepared by the Advisory Council on Historic Preservation.

#### **Introduction**

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of their projects and plans on historic properties and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The historic preservation review process mandated by Section 106 is outlined in Federal regulations issued by the Council. Revised regulations, “Protection of Historic Properties” (36 CFR Part 800), became effective June 17, 1999.

#### **Initiate Section 106 Process**

The responsible Federal agency first determines whether it has an undertaking that could affect historic properties, which are properties that are included in the National Register of Historic Places or that meet the criteria of the National Register. If so, it must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult with during the process. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking has no potential to affect historic properties, the agency has no further Section 106 obligations.

#### **Identify Historic Properties**

If the agency’s undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effects. The agency reviews background information, consults with the SHPO/THPO and others; seeks information from knowledgeable parties, and conducts additional studies as necessary. Districts, sites, buildings, structures and objects listed in the National Register are considered; unlisted properties are evaluated against the NPS’ published criteria (see below),

in consultation with the SHPP/THPO and any Indian tribe or Native Hawaiian organization that may attach religious or cultural importance to them.

If questions arise about the eligibility of a given property, the agency must seek a formal determination of eligibility from the NPS. Section 106 review gives equal consideration to properties that have already been included in the National Register as well as those that meet National Register criteria.

If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO/THPO and, barring any objection in 30 days, proceeds with its undertaking.

If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

### **Assess Adverse Effects**

The agency, in consultation with the SHPO/THPO and others, makes an assessment of adverse effects on the identified historic properties based on criteria found in the Council's regulations.

If they agree that there will be **no adverse effect**, the agency proceeds with the undertaking and agreed-upon conditions.

If the parties cannot agree or they find that there is an **adverse effect**, the agency begins consultation to identify ways to avoid, minimize, or mitigate adverse effects.

### **Resolve Adverse Effects**

The agency consults with the SHPO/THPO and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. The Council may participate in the consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

### **Implementation**

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

### **Failure to Resolve Adverse Effects**

If consultation proves unproductive, the agency or the SHPO/THPO, or the Council itself, may terminate consultation. If a SHPO terminates consultation, the agency and the Council may conclude an MOA without SHPO involvement. However, if a THPO terminates consultation and the undertaking is on or affecting historic properties on tribal lands, the Council must provide its comments. The agency must submit appropriate documentation to the Council and request the Council's written comments. The agency head must take into account the Council's written comments in deciding how to proceed.

### **Tribes, Native Hawaiians, and the Public**

Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

The regulations also place major emphasis on consultation with Indian tribes and Native Hawaiian organizations, in keeping with the 1992 amendments to NHPA. Consultation with an Indian tribe must respect tribal sovereignty and the government-to-government relationship between the Federal government and Indian tribes. Even if an Indian

tribe has not been certified by the NPS to have a THPO who can act for the SHPO on its lands, it must be consulted about undertakings on or affecting its lands on the same basis and in addition to the SHPO.

#### National Register of Historic Places

The National Register is the nation's inventory of historic places that are locally, regionally or nationally significant. Specific criteria have been designed to guide State and local governments, Federal agencies, and others in evaluating entries in the National Register.

#### ***National Register Criteria for Evaluation***

The quality of significance in American history, architecture, archeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important in prehistory or history.